IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.10167 of 2002

Between:

M/s. Apsara Theatre Pvt. Ltd., rep. by its Managing Partner

Sri D. Ranga Rao, S/o. late Sri Jagannadha Rao, aged 58 years,

R/o. Manikonda, Krishna District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Secretary,

Municipal Administration, Secretariat, Hyderabad.

2. The Vijayawada Urban Development Authority, rep. by its

Commissioner.

3. The Vijayawada Municipal Corporation, Rep. by its

Commissioner.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of Mandamus declaring the action of the respondents in encroaching upon the petitioner's property measuring 1654-427 Sq.mts. situate on Eluru Road, Vijayawada City, Krishna District for laying of Road without following due process of law as arbitrary, illegal, unjust and against the principles of natural justice and also violative of Articles 19, 21 and 300 A of the Constitution of India and consequently direct the respondents to stop this illegal encroachment, forthwith.

Counsel for the Petitioner: MR.RAMESH KATIKINENI

Counsel for the Respondent No.1: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.2: MR. P.M. GOPAL RAO

Counsel for the Respondent No.3: MR. T. S. VENKATA RAMANA

The Court made the following:

ORDER:

M/s. Apsara Theatre Private Limited, a firm, filed the writ petition seeking declaration that the action of the respondents in encroaching upon the property of the petitioner on Eluru Road in Vijayawada without due process of law as illegal and arbitrary.

The counter affidavit is filed stating that the writ petition is filed on a mere apprehension and there was no proposal to acquire the land of the petitioner nor the respondents tried to encroach upon the petitioner's land. When the matter is called today, the learned Standing Counsel for Vijayawada Municipal Corporation submits that subsequently the petitioner himself surrendered the land and the road widening work was completed. In view of the same, giving liberty to the petitioner to claim compensation, the writ petition is disposed of.

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October 14, 2004. **V.V.S. RAO, J**

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To

1. The Secretary, Municipal Administration, Government of Andhra

Pradesh, Secretariat, Hyderabad.

2. The Commissioner, Vijayawada Urban Development Authority,

Vijayawada.

3. The Commissioner, Vijayawada Municipal Corporation, Vijayawada.

4. Two CCs to the Government Pleader for General Administration,

High Court Buildings, Hyderabad (O.U.T)

5. Two C.D. copies.